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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/990,096 12/12/97 PICHER-DEMPSEY

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EXAMINER

LM02/1210

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ART UNIT

PAPER NUMBER

2738

DATE MAILED:

12/10/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/990,096

Applicant(s)  
Dempsey

Examiner  
Hanh Nguyen

Group Art Unit  
2738



- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-18 \_\_\_\_\_ is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-18 \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-8, 10-13, 15, 17 and 18, are rejected under 35 USC 102(b) as being anticipated by Crawley et al. (US Pat. No. 5,995,503).

- Regarding claims 1, 6, 17 and 18, Crawley et al. discloses, in Fig.1, a network configuration with multiple hosts and multiple routers connected as shown. Refer to Fig.8, host H1 (Fig.1) establishes a communication path by requesting a QoS for a data flow to host H4 (Fig.1) at step 170 (receiving a request for establishing a communication path ). See col.7, lines 28-33. The request is routed through different routers before getting to the destination host at step 174. The destination host, after receiving the QoS requirement, sends a QoS request at step 175

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to the original host to reserve the bandwidth for transmitting information (sending to original router a message which includes a request to reserve resources/bandwidth for transmitting information). See col.7, lines 32-44. The bandwidth reservation request is routed to original host via routers, and each of the routers determines at steps 178 and 184 whether the resource/bandwidth is available for the QoS request. If the original router is determined by routing table 130 and data base 132 (Fig.2) that its resource/bandwidth is available, the original host reserves the request resources/bandwidth (monitoring the original router to determine whether sufficient resources/bandwidth exist to establish communication path ). See col.7, lines 45-67 and col.4, lines 24-30.

- Regarding claims 2, 7 and 12, the limitation of these claims is addressed in claim 1 above.

- Regarding claims 3, 8 and 13, Crawley et al. discloses, in Fig.9, a flag ( or a parameter) in the mechanism requesting the QoS routing for each router (parameters for transmitting information along the communication path in accordance with the QoS ). See col.8, lines 52-56.

- Regarding claims 5, 10 and 15, the limitation of these claims is addressed in claim 1 above.

- Regarding claim 11, this claim is directed to the same subject matter claim 1.

Therefore, it is subject to the same rejection.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 9 and 14, are rejected under 35 USC 103(a) as being unpatentable over

**Crawley et al.** (US Pat. No. 5,995,503).

- Regarding claims 4, 9 and 14, **Crawley et al.** does not disclose message presented to the original router as a Telnet message. However, it is well known in the art that the Telnet is used as a protocol that enables an Internet user to log on and enter commands on a remote computer links to the Internet. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Telnet protocol in **Crawley et al.**'s reference to send a message that includes a request for the original router to reserve resources/bandwidth necessary to transmit from the original host in accordance with the QoS request.

Claim 16 is rejected under 35 USC 103(a) as being unpatentable over **Crawley et al.** (US Pat. No. 5,995,503) in view of **Arango** (US Pat. No. 5,732,078).

- Regarding claim 16, **Crawley et al.** does not disclose a database server for checking whether the set up request is authorized. **Arango** discloses, in Fig.8, the route controller agent 420 that can reject requests from certain sources (hosts) or reject requests not made by a selected

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list of sources (database) by consulting locally stored information regarding security and other issues in determining whether or not to accept the request ( a database server for checking whether the set up request is authorized). See col.16, lines 50-65. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of **Arango** with the teaching of **Crawley et al.** to arrived at the claimed invention in order to protect the security of work stations from the access of unauthorized users.

#### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kidder et al. ( US Pat. No. 5,903,735) discloses a Method and Apparatus for Transmitting Data Having Minimal Bandwidth Requirements.

- Aras et al. ( US Pat. No. 5,884,037) discloses a System for Allocation of Network Resources Using an Autoregressive Integrated Moving Average Method.

- Acharya et al. (US. Pat. No. 5,903,559) discloses a Method for Internet Protocol Switching Over Fast ATM Cell Transport.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is (703) 306-5445. The examiner can normally be reached on Monday-Friday from 8:00AM to 5:30 PM.

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If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to :**

Commissioner of Patents and Trademarks

Washington D.C. 20231

**or faxed to :** (703) 308-6743 or (703) 305-3988

**For informal or draft communications,** please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Dr.

Arlington VA, Sixth floor (Receptionist)

Hanh Nguyen

*Hanh Nguyen*  
December 3, 1999

*Ajit Patel*  
Ajit Patel  
Primary Examiner